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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 AMRIT KOHLI,

13 Plaintiff,

14 v.

15 SAN FRANCISCO POLICE
16 DEPARTMENT,

17 Defendant.

Case No. 13-cv-04305 NC

**ORDER DISMISSING WITH
PREJUDICE FOR FAILURE TO
PROSECUTE**

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19 The Court previously dismissed plaintiff Kohli's complaint with leave to amend for
20 failure to state a claim. Dkt. No. 20. The Court simultaneously issued an order to show
21 cause why Kohli's complaint should not be dismissed for failure to prosecute, as Kohli had
22 not opposed defendant's motion to dismiss. *Id.*

23 In the order to show cause, the Court specifically warned Kohli that "if he fails to
24 properly amend his complaint within 28 days from this order or fails to comply with any
25 court rule or order, the Court may dismiss his case with prejudice." *Id.* at 10. The Court
26 ordered Kohli to amend his complaint within 28 days of the January 28, 2014 order. *Id.*
27 Kohli failed to amend his complaint. Therefore, the Court dismisses Kohli's action with
28 prejudice. *See Hernandez v. City of El Monte*, 138 F.3d 393, 400 (9th Cir. 1998) ("The

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1 district court has the inherent power sua sponte to dismiss a case for lack of prosecution.”).

2 The Clerk of Court is ordered to terminate the case.

3 IT IS SO ORDERED.

4 Date: May 13, 2014

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6 Nathanael M. Cousins
7 United States Magistrate Judge